

HOUSE BILL 2670
By Kent

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 33, Part 2 and Title 55, Chapter 10, Part 4, relative to the forfeiture of certain vehicles used by a person in the commission of the offense of driving under the influence of an intoxicant and relative to the procedure for forfeiting such vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by deleting subsection (k) in its entirety and substituting instead the following:

(k)(1) The vehicle used in the commission of a person's second or subsequent violation of Tennessee Code Annotated, Section 55-10-401, or the second or subsequent violation of any combination of Tennessee Code Annotated, Section 55-10-401, and a statute in any other state prohibiting driving under the influence of an intoxicant, is subject to seizure and forfeiture in accordance with the procedure established in Tennessee Code Annotated, Title 40, Chapter 33, Part 2. The Department of Safety is designated as the applicable agency, as defined by Tennessee Code Annotated, Section 40-33-202, for all forfeitures authorized by this subsection.

(2) In order for the provisions of subpart (1) of this subsection to be applicable to a vehicle, the violation making the vehicle subject to seizure and forfeiture must occur in Tennessee and at least one (1) of such violations must occur on or after January 1, 1997.

(3) An agency seizing a vehicle under this section shall, within seven (7) working days after the second or subsequent conviction, send to the Department of Safety a notice that a conviction has occurred involving the defendant and the seized vehicle.

(4) The Department of Safety shall not set the case for a hearing until after the department receives a request for a hearing pursuant to Tennessee Code Annotated, Section 40-33-206, and receives a notice of conviction from the seizing agency.

(5) It is the specific intent that the forfeiture action after a person's second or subsequent DUI violation shall serve a remedial and not a punitive purpose. The purpose of the forfeiture of a vehicle after a person's second or subsequent DUI violation is to prevent unscrupulous or incompetent persons from engaging in the act of driving on our highways while under the influence of alcohol or drugs. The general public recognizes that the act of driving a motor vehicle on our highways while under the influence of alcohol or drugs does nothing but endanger and imperil the innocent lives of millions of people who are exercising the same privilege of riding on our highways. There is a reasonable connection between the remedial purpose of this section, insuring safe roads on our highways and the forfeiture of a motor vehicle after a person's second or subsequent DUI violation. This section instituting a forfeiture process after a second or subsequent DUI violation which affects the public welfare is to serve to deter the conduct of driving a motor vehicle while under the influence of alcohol or drugs and still remain remedial. This section is remedial due to the fact that such conduct affects the public welfare of people driving on our highways and such conduct bears a direct relation to the government's goal and proper administration of enforcing the laws which prohibit driving a motor vehicle while under the influence of alcohol or drugs.

SECTION 2. Tennessee Code Annotated, Section 40-33-201, is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-10-403(k), 57-3-411".

SECTION 3. Tennessee Code Annotated, Section 40-33-211(a), is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-10-403(k), 47-3-411".

SECTION 3. Tennessee Code Annotated, Section 40-33-214, is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-10-403(k), 57-3-411".

SECTION 5. This act shall take effect on January 1, 1997, the public welfare requiring it and shall apply to all applicable violations occurring on or after such date.

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